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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/850,181

05/07/2001

Frederick Murray Burg

2000-0012

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7590

10/18/2006

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PHILADELPHIA, PA 19103

EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/850,181

Applicant(s)

BURG ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 1-48 and 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-58 and 60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 49, 51-56 and 58 rejected under 35 U.S.C. § 103(a) as being unpatentable over Burger et al, U.S. Patent No. 6,678,366 (hereinafter Burger) in view of Tran et al, U.S. Patent No. 6,154,646 (hereinafter Tran).

Regarding claim 49, Burger discloses a method of establishing a communication session, the method comprising:

prior to receiving a request to facilitate establishing a communication session between a communication initiator and an intended recipient;

at a central location (100), storing information about multiple communication devices associated with the intended recipient, wherein at least two of the multiple communication devices are each associated with different

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respective networks in the multi-networked environment (see column 6, lines 15-67);

at the central location, receiving status information regarding the plurality of communication devices from respective networks, wherein the receiving of status information includes:

actively querying one or more of the networks in the multi-networked environment for status information that indicates information other than, or in addition to, whether the multiple communication devices are on or off, or

automatically receiving status information from at least one network element in the first network or the second network, wherein the at least one network element automatically provides to the central location status information about at least one of the multiple communication devices associated with the intended recipient, (column 8, lines 40-55); and

at the central location, receiving the request to facilitate establishing the communication session (402 from Figure 4); and

at the central location, in response to the received request, selecting a first communication device at which the

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intended recipient can likely be reached, wherein the selection is based, at least in part, on an evaluation of the received status information (see 404 from Figure 4).

With further respect to claim 49, Burger fails to disclose causing information associated with the communication initiator to be displayed on the first communication device; and establishing the communication session between a second communications device selected by the intended recipient and a third communications device associated with the communication initiator. All the same, Tran discloses this feature (see column 2). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burger with the client access function teleservice of Tran. This modification would have improved the convenience of Burger by enabling the user of a communication device to interactively select the call treatment of an incoming call in real time as suggested by Tran (see column 1).

Regarding claim 51, see column 9, lines 1-50 of Burger.

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Regarding claim 52, Burger discloses in a multi-networked environment, a method of determining a communication device at which a user can likely be reached, the method comprising:

prior to receiving a request to facilitate establishing a communication session between a communication initiator and the user,

querying different types of network in the multi-networked environment for status information, or automatically receiving the status information from network elements (column 8, lines 40-55), wherein the status information pertains to at least two communication devices associated with the user including a first device and a second device, wherein the first device is associated with a first network in the multi-networked environment, and wherein the second device is associated with a second, different network in the multi-networked environment (column 6, lines 15-67);

receiving the status information for the at least two communication devices, wherein the status information includes status information other than, or in addition to, an indication of whether the at least two communication devices are on or off (column 7, lines 5-65); and

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in response to receiving the request, selecting a preferred communication device from the at least two communication devices based on the received status information (see 502 from Figure 5).

With further respect to claim 52, Burger does not cause information associated with the communication initiator to be displayed on the preferred communication device, and handling the request according to a predetermined call treatment procedure if the user elects not to establish the communication session. All the same, Tran discloses this feature (see column 2). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burger with the client access function teleservice of Tran. This modification would have improved the convenience of Burger by enabling the user of a communication device to interactively select the call treatment of an incoming call in real time as suggested by Tran (see column 1).

Regarding claim 53, see column 7, lines 5-55 of Burger.

Regarding claim 54, see column 9, lines 1-50 of Burger.

Regarding claim 55, see column 12, lines 10-25 of Burger.

Regarding claim 56, see column 12, lines 10-25 of Burger.

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Regarding claim 58, see Figure 1 of Burger.

3. Claim 60 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Burger combined with Light et al, U.S. Patent Application Publication No. 2001/0005412 (hereinafter Light) in further view of Tran.

Regarding claim 60, Burger shows an apparatus for facilitating a communication session between a requestor and a user, the apparatus comprising:

a network interface configured for:

receiving status information for at least two communication devices (column 6, lines 15-67), wherein the status information includes status information other than, or in addition to, an indication of whether the at least two communication devices are on or off (column 7, lines 1-55); and

wherein the receiving occurs independently of receiving a request (402 from Figure 4) for establishing a communication session between the requestor and the user, a storage block (118) configured for storing the received status information; and

a processor (100) configured for selecting a preferred communication device from the set of multiple communication



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devices based on the received status information, wherein the processor performs the selecting in response to receiving the request for establishing a communication session with the user (see 502).

With further respect to claim 60, Burger fails to teach querying the different types of networks in the multi-networked environment for status information, wherein the status information pertains to at least two communication devices associated with the user, including a first device and a second device, wherein the first device is associated with a first network in the multi-network environment, and wherein the second device is associated with a second network in the multi-networked environment, wherein the querying occurs independently of receiving a request for establishing a communication session between the requestor and the user. Nonetheless Light teaches these features (see paragraph 0022). Therefore it would have been obvious to one of ordinary skill in the art to modify Burger with the polling mechanism of Light. This modification would have improved the efficiency of Burger by avoiding wasted time in making calls that cannot be completed as suggested by Light (see abstract).

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Still on the issue of claim 60, the combination of Burger and Light fails to show causing information associated with the requestor to be displayed on the preferred communication device, and establishing the communication session between a communications device selected by the user and a communications device associated with the requestor. All the same, Tran discloses this feature (see column 2). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Burger and Light with the client access function teleservice of Tran. This modification would have improved the system's convenience by enabling the user of a communication device to interactively select the call treatment of an incoming call in real time as suggested by Tran (see column 1).

4. Claim 57 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Burger combined with Tran in further view of Light.

Regarding claim 57, the combination of Burger and Tran shows the steps of receiving and selecting occur within an information system (see unit 100 of Burger) configured to communicate with the different types of networks in the multi-networked environment. The primary references fail to teach the

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claimed querying limitation. Nonetheless Light teaches this limitation (see paragraph 0022). Therefore it would have been obvious to one of ordinary skill in the art to further modify the combination of Burger and Tran with the polling mechanism of Light. This modification would have improved the system's efficiency by avoiding wasted time in making calls that cannot be completed as suggested by Light (see abstract).

5. Claim 50 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Burger combined with Tran in further view of Ely et al, U.S. Patent No. 6,115,737 (hereinafter Ely).

Regarding claim 50, Burger teaches the storing is performed through a portal site by providing the intended recipient with a predetermined registration procedure to enroll in the service of the method (see lines 10-15 of column 5). With further respect to claim 50, the combination of Burger and Tran fails to show the portal site is an Internet portal site. Regardless, Ely discloses this limitation (see abstract). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Burger and Tran with the gateway of Ely. This modification would have improved the system's user friendliness by effectively

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communicating large amounts of data as suggested by Ely (see column 1).

### ***Response to Arguments***

6. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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O.A.

Olisa Anwah

Patent Examiner

September 5, 2006

Olisa Anwah